

# LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5511, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5511, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. CARTER. Mr. Speaker, I would like to have my name removed as a cosponsor for H.R. 6041.

The SPEAKER pro tempore (Mr. BLUMENAUER). Is there objection to the request of the gentleman from Texas?

There was no objection.

## FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, pursuant to House Resolution 1277, I call up the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5781

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Paid Parental Leave Act of 2008".

### SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) AMENDMENT TO TITLE 5.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as subsection (d)(1);

(2) by striking "subparagraph (A), (B), (C), or" and inserting "subparagraph (C) or"; and

(3) by adding at the end the following:

"(2) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

"(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

"(A) 8 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

"(B) any annual or sick leave accrued or accumulated by such employee under subchapter I.

"(4) Nothing in this subchapter shall be considered to require—

"(A) that an employing agency provide paid sick leave in any situation in which such employing agency would not normally be required to provide such leave; or

"(B) that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).

"(5) Paid parental leave under paragraph (3)(A)—

"(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

"(B) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 for any other purpose; and

"(C) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

"(6) The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including, subject to paragraph (4)(B), the manner in which an employee may designate any day or other period as to which such employee wishes to use paid parental leave described in paragraph (3)(A)."

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

### SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: "In applying section 102(a)(1)(A) and (B) to covered employees, subsection (d) shall apply.";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

"(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.—

"(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without pay under subparagraphs (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

"(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

"(A) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

"(B) any additional paid vacation or sick leave provided by the employing office to such employee.

"(3) LIMITATION.—Nothing in this section shall be considered to require—

"(A) that an employing office provide paid sick leave in any situation in which such employing office would not normally be required to provide such leave; or

"(B) that a covered employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use paid parental leave described in subparagraph (A) of paragraph (2).

"(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

"(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office; and

"(B) if not used by the covered employee before the end of the 12-month period (as re-

ferred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use."

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

### SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

Section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

"(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer described in section 101(4)(A)(iv) taking leave under subparagraphs (A) or (B) of subsection (a)(1) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

"(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of an employer described in section 101(4)(A)(iv) for purposes of paragraph (1) is—

"(i) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

"(ii) any additional paid vacation or sick leave provided by such employer.

"(C) LIMITATION.—Nothing in this paragraph shall be considered to require—

"(i) that an employer described in section 101(4)(A)(iv) provide paid sick leave in any situation in which such employer would not normally be required to provide such leave; or

"(ii) that an employee of such an employer first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use paid parental leave described in clause (i) of such subparagraph.

"(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

"(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with employers described in section 101(4)(A)(iv); and

"(ii) if not used by the employee of such employers before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use."

### SEC. 5. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Government Accountability Office shall study and submit to Congress a written report on the feasibility and desirability of providing an insurance benefit to Federal employees which affords partial or total wage replacement with respect to periods of qualified leave.

(b) PERIOD OF QUALIFIED LEAVE.—For purposes of this section, the term "period of qualified leave", as used with respect to a Federal employee, means any period of leave under section 6382 of title 5, United States Code, which would otherwise be leave without pay, and which is available by reason of—

(1) the need to care for the spouse or a son, daughter, or parent of the employee having a serious health condition; or

(2) a serious health condition affecting the employee that renders such employee unable to perform the functions of the employee's position.

(c) MATTERS FOR INCLUSION.—The report shall include, at a minimum, the following: